

**BRIAN D. SHAPIRO**

E-Filed: September 10, 2019

Trustee in Bankruptcy  
510 S. 8th Street  
Las Vegas, NV 89101  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re

PARNELL COLVIN, III,

Debtor(s)

Case No.: 19-14597 MKN  
Chapter 7

EX PARTE MOTION FOR FORMAL  
DISMISSAL OF CHAPTER 7 CASE  
PURSUANT TO 11 U.S.C. §521(i) AND 11  
U.S.C. §109(h)

COMES NOW BRIAN D. SHAPIRO, Chapter 7 Trustee requesting the Court to formally  
dismiss the above entitled case pursuant to 11 U.S.C. §521(i) for the following reasons:

1. The Debtor has failed to timely file the following:
  - a. Schedules C and E/F
  - b. Declaration Re: Schedules
  - c. Statement of Financial Affairs
  - d. Statement of Intention
  - e. Verification of Creditor Matrix
  - f. Statement of Current Monthly Income and Means Test Calculation
  - g. Certification of Credit Counseling<sup>1</sup>

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<sup>1</sup> An order granting Debtor's certification of exigent circumstances was entered on July 19, 2019, however, that deadline has expired. [DE 7]

2. The forty-five (45) day period expired September 2, 2019.
3. The Trustee requests the Court to take judicial Notice of the Docket as evidence in support of this request. A copy of the docket is attached hereto as Exhibit “1”.
4. 11 U.S.C. §521(i) states that (1) Subject to paragraphs (2) and (4) and notwithstanding Section 707(a), if an individual debtor in a voluntary case under Chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of filing the petition, the case shall be automatically dismissed on the 46<sup>th</sup> day after the date of filing of the petition.
5. 11 U.S.C. §109(h) states that – Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section other than paragraph (4) of this subsection, an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

WHEREFORE, the Chapter 7 Trustee requests the Court to formally dismiss this case.

Dated: September 10, 2019

/s/ Brian D. Shapiro  
BRIAN D. SHAPIRO  
Trustee

# **EXHIBIT 1**

PRIORFILING, DebtEd, BAPCPA, MEANSU

**U.S. Bankruptcy Court  
District of Nevada (Las Vegas)  
Bankruptcy Petition #: 19-14597-mkn**

*Assigned to:* MIKE K. NAKAGAWA  
Chapter 7  
Voluntary  
No asset

*Date filed:* 07/18/2019  
*341 meeting:* 08/26/2019  
*Deadline for objecting to discharge:* 10/25/2019

***Debtor***  
**PARNELL COLVIN, III**  
6681 TARA AVE.  
LAS VEGAS, NV 89146  
CLARK-NV  
SSN / ITIN: xxx-xx-0590

represented by **PARNELL COLVIN, III**  
PRO SE

***Trustee***  
**BRIAN D. SHAPIRO**  
510 S. 8TH STREET  
LAS VEGAS, NV 89101  
(702) 386-8600

***U.S. Trustee***  
**U.S. TRUSTEE - LV - 7**  
300 LAS VEGAS BOULEVARD, SO.  
SUITE 4300  
LAS VEGAS, NV 89101

Filing Date	#	Docket Text
07/18/2019	<a href="#"><u>1</u></a> (30 pgs)	Chapter 7 Voluntary Petition Individual. Fee Amount \$0. Request for in forma pauperis waiver. Filed by PARNELL COLVIN, III . (mag) (Entered: 07/18/2019)
07/18/2019	<a href="#"><u>2</u></a> (2 pgs)	Meeting of Creditors and Notice of Appointment of Trustee BRIAN D. SHAPIRO, . 341 meeting to be held on 08/26/2019 at 11:00 AM at 341s - Foley Bldg,Rm 1500. Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts due by 10/25/2019. (Entered: 07/18/2019)
	<a href="#"><u>3</u></a>	Statement of Social Security Number(s). <b>This document contains sensitive information and cannot be viewed by</b>

07/18/2019		<b>the public.</b> Filed by PARNELL COLVIN, III (mag) (Entered: 07/18/2019)
07/18/2019	<a href="#">4</a> (4 pgs)	Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments with Proposed Order Filed by PARNELL COLVIN, III (mag) (Entered: 07/18/2019)
07/18/2019	5	Set Deficient Filing Deadlines. Incomplete Filings due by 8/1/2019. Verification of Creditor Matrix due by 8/1/2019. Schedule C due by 8/1/2019. Schedule D due by 8/1/2019. Schedule E/F due by 8/1/2019. Declaration Re: Schedules due by 8/1/2019. Statement of Financial Affairs due by 8/1/2019. Statement of Intent due by 8/19/2019. Statement of Current Monthly Income and Means Test Form 122A-1 Due: 8/1/2019. (mag) (Entered: 07/18/2019)
07/18/2019	<a href="#">6</a> (2 pgs)	Notice of Incomplete and/or Deficient Filing. (mag) (Entered: 07/18/2019)
07/19/2019		Notice of Debtor's Prior Filing for debtor III COLVIN, PARNELL Case Number <a href="#">17-10614</a> , Chapter 7 filed in Nevada Bankruptcy Court on 02/13/2017 , Dismissed for Other Reason on 10/31/2017; Case Number <a href="#">13-33280</a> , Chapter 7 filed in Oregon Bankruptcy Court on 05/23/2013; Case Number <a href="#">15-12810</a> , Chapter 7 filed in Nevada Bankruptcy Court on 05/15/2015 , Dismissed for Failure to File Information on 07/06/2015.(Admin) (Entered: 07/19/2019)
07/19/2019	<a href="#">7</a> (1 pg)	Order on Debtor's Certification of Exigent Circumstances (BNC) (Related document(s) <a href="#">1</a> Voluntary Petition 7 filed by Debtor PARNELL COLVIN, III.) (lms) (Entered: 07/19/2019)
07/19/2019	<a href="#">8</a> (1 pg)	Order Granting Debtor's Application for Waiver of the Chapter 7 Filing Fee (Related Doc # <a href="#">4</a> ) (lms) (Entered: 07/19/2019)
07/20/2019	<a href="#">9</a> (3 pgs)	BNC Certificate of Mailing (Related document(s) <a href="#">2</a> Meeting of Creditors Chapter 7 No Asset (BNC)) No. of Notices: 8. Notice Date 07/20/2019. (Admin.) (Entered: 07/20/2019)
07/20/2019	<a href="#">10</a> (3 pgs)	BNC Certificate of Mailing. (Related document(s) <a href="#">6</a> Incomplete and/or Deficient Filing-Ch 7 Individual (BNC)) No. of Notices: 1. Notice Date 07/20/2019. (Admin.) (Entered: 07/20/2019)

07/21/2019	<a href="#">11</a> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <a href="#">8</a> Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee (BNC)) No. of Notices: 1. Notice Date 07/21/2019. (Admin.) (Entered: 07/21/2019)
07/21/2019	<a href="#">12</a> (2 pgs)	BNC Certificate of Mailing - pdf (Related document(s) <a href="#">7</a> Order on Debtor's Certification of Exigent Circumstances) No. of Notices: 8. Notice Date 07/21/2019. (Admin.) (Entered: 07/21/2019)
07/22/2019	13	Order Reassigning Case to Bankruptcy Judge MIKE K. NAKAGAWA. (vap) (Entered: 07/22/2019)
08/09/2019	<a href="#">14</a> (2 pgs)	Motion to Extend Automatic Stay with Proposed Order Filed by PARNELL COLVIN, III (ccc) (Entered: 08/12/2019)
08/09/2019	<a href="#">15</a> (2 pgs)	Notice of Hearing Hearing Date: 9/11/2019 Hearing Time: 2:30 pm Filed by PARNELL COLVIN, III (Related document(s) <a href="#">14</a> Motion to Extend Automatic Stay filed by Debtor PARNELL COLVIN, III) (ccc) (Entered: 08/12/2019)
08/12/2019	16	Hearing Scheduled/Rescheduled. Hearing scheduled 9/11/2019 at 02:30 PM at MKN-Courtroom 2, Foley Federal Bldg. (Related document(s) <a href="#">14</a> Motion to Extend Automatic Stay filed by Debtor PARNELL COLVIN, III) (ccc) (Entered: 08/12/2019)
08/27/2019	17	Statement Adjourning Meeting of 341(a) Meeting of Creditors. Section 341(a) Meeting Continued on 9/27/2019 at 8:30 AM at 341s - Foley Bldg,Rm 1500. CONTINUED FOR DOCUMENTS AND SCHEDULES Debtor absent. (SHAPIRO, BRIAN) (Entered: 08/27/2019)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
09/10/2019 13:14:16			
<b>PACER Login:</b>	bs2196:3006774:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search</b>	19-14597-mkn Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included

		<b>Criteria:</b>	Format: html Page counts for documents: included
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20